

## **EXHIBIT 1**

### **DUCES TECUM**

**PLEASE PRODUCE THE FOLLOWING DOCUMENTS BY 5:00 P.M. JUNE 14, 2024:**

#### **DEFINITIONS**

A. “You” and “your” means Russell T. Warne, his agents, attorneys, representatives, and all other persons acting or purporting to act with him or on his behalf.

B. “Plaintiff” means Plaintiff Bryan Pesta, his agents, attorneys, representatives, and all other persons acting or purporting to act with him or on his behalf.

C. “Document,” in the singular or plural, shall include and mean the original and any draft or non-identical copy, regardless of origin or location, and each copy of any writing, memorandum, letter, correspondence, telegram, note, minute, contract intra-office communication, bulletin, circular procedure, pamphlet, book, calendar, periodical, email, telegram, photograph, cable, invoice, voucher, check, graph, map, work papers, blueprint, sketch, computer stored information on hard or floppy computer disk, e-mail or other computer generated or maintained data, study, notice, summary, invoice, diagram, plan, drawing, specification, diary, record or note of telephone conversation, chart, entry, print, computer print-out, computer program, representation record, report and any tangible item or thing of written, readable, or visual material of any kind or character whether written, handwritten, typed, xeroxed, photostated, printed, duplicated, taped, reproduced, recorded, or graphic, and however recorded, copies produced or reproduced (including photographic reproduction and magnetic impulse, mechanical, computer or electronic transcription), including, without limitation, each interim as well as final draft and each revision which is in the possession of, or subject to the control of, or known to exist

or have existed by you. All documents stored in a computer shall be produced both in their original format on a disc and in hard copy.

D. “Person” means all natural persons and all entities including, but not limited to, any individual, firm, corporation, company, association, organization, partnership, business, public agency, department, or any other form of public, private or legal entity of any description.

E. “And” and “or” shall be construed either disjunctively or conjunctively as necessary to bring within the scope of each Document Request all responses that might otherwise be construed to be outside its scope.

F. “Any” includes the word “all,” and “all” includes the word “any.”

G. “Relate to” and “relating to” mean containing, consisting of, referring to, reflecting, supporting, demonstrating, showing, identifying, mentioning, contradicting, prepared in connection with, used in preparation for, pertaining to, having any relationship to, evidencing, constituting evidence of or being in any way legally, logically, or factually connected with the matter discussed.

#### **DOCUMENTS REQUESTED**

1. All documents reviewed or used by you in preparing your expert report in the case captioned in the subpoena.

2. All documents reviewed or used by you which relate to the case captioned in the subpoena including the pleadings (Complaint, Amended Complaint, any Motions, any discovery and any transcripts of depositions).

3. All documents reviewed or used by you which relate to the investigations or disciplinary proceedings regarding Dr. Pesta conducted by CSU.

4. All documents reviewed or used by you which relate to the investigations or disciplinary proceedings regarding Dr. Pesta by the NIH.

5. All documents reviewed or used by you which were written by or supplied to you by Dr. Pesta.

6. All documents cited by you in your expert report.

7. All bills or invoices for expert services you provided in the case captioned in the subpoena.

8. All logs or other documents recording the time you spent in investigating, researching, preparing to write your expert report, writing your expert report and editing your expert report.

9. All drafts of your expert report.

10. All notes taken by you while investigating, researching, preparing to write or writing your expert report.

11. All communications between you and Plaintiff that relate to your expert report or the subject matters addressed in your expert report.

12. All communications between you and counsel for Plaintiff that relate to your expert report or the subject matters addressed in your expert report.

13. All communications between you and any person other than Plaintiff or counsel for Plaintiff that relate to your expert report, or the subject matters addressed in your expert report.

14. All communications between you and Plaintiff or Plaintiff's counsel that relate to any of Plaintiff's research or his role as reviewer or editor.

15. All communications between you and any person other than Plaintiff or counsel for Plaintiff that relate to any of Plaintiff's research or his role as reviewer or editor.

16. All communications between you and any of the authors of “Global Ancestry and Cognitive Ability” that in anyway relates to the paper.

17. All communications between you and any of the authors of “Global Ancestry and Cognitive Ability” that relates to any matter other than the paper.

18. All communications between you and Plaintiff that relates to any of your research.

19. Any documents demonstrating your experience obtaining or using NIH data.

If you have any questions regarding the subject matter of the preceding document requests, please contact the undersigned.

/s/ Karen L. Giffen

Karen L. Giffen (0042663)

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***Counsel for Defendants***

**CERTIFICATE OF SERVICE**

I hereby certify that on June 4, 2024, prior to service upon the subpoenaed party, a true and correct copy of the foregoing *Subpoena Duces Tecum* was served via electronic mail on upon the following party:

Frederick C. Kelly  
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***Counsel for Plaintiff***

/s/ Karen L. Giffen  
Karen L. Giffen (0042663)  
***Counsel for Defendants***